

CAMBODIA: URGENTLY ADDRESS COVID-19 OUTBREAK IN PRISONS

In response to growing Covid-19 outbreaks in Cambodia's notoriously overcrowded prisons, **Amnesty International** and **Human Rights Watch** again call on the Royal Government of Cambodia (RGC) to take urgent action to safeguard the right to health of people in detention, prison officials and the wider community. The authorities should immediately reduce the prison population in line with international human rights standards and [World Health Organization guidance](#), and ensure that all those in detention have equitable access to hygiene supplies, as well as tests, treatment and vaccines for Covid-19.

On December 4, 2020, the United Nations Special Rapporteurs on the situation of human rights in Cambodia and on the right to physical and mental health issued a [joint communication](#) to the Cambodian government raising concerns about overcrowding in Cambodian prisons in the context of Covid-19. The Special Rapporteurs called for prisons to be urgently decongested to safeguard the rights of people deprived of their liberty. To date, no significant decongestion measures have yet been undertaken.

On May 8, the Department of Prisons revealed that 34 prisoners in Preah Sihanouk Provincial Prison had tested positive for Covid-19. Since then, hundreds of additional prisoners in the overcrowded facility have tested positive, though the government has not disclosed the total number. Preah Sihanouk prison houses approximately 1,938 prisoners despite having an official capacity of just 1,500. Following the positive tests, the authorities transferred 146 women detainees (including 10 children incarcerated with their mothers) to Kampot Provincial Prison. We have received confidential reports that on May 18, the Phnom Penh Jail (PJ) also reported positive coronavirus test results within the detainee population, and positive cases in PJ are now understood to number in the hundreds. On May 21, it was [revealed](#) that [18 prisoners](#) in CC1, Cambodia's largest and most overcrowded prison, had also tested positive for the coronavirus. CC1 houses approximately 7,466 prisoners despite having an official capacity of just 2,050 – an occupancy rate of 363%.

We call on the prison authorities to act with greater transparency and to immediately publish complete information on the number of positive cases recorded in prisons, and to take immediate action to protect the lives and health of people in detention, including by urgently reducing overcrowding in all prisons across the country.

We urge relevant courts and authorities to replicate across each of Cambodia's 28 prisons the measures taken by the Preah Sihanouk court, which was [reported](#) on May 11 to have ordered the early release of over [100 prisoners](#) from Preah Sihanouk prison to reduce overcrowding. The Preah Sihanouk court was also reported to have implemented non-custodial alternatives to pre-trial detention in new cases it has heard.

The Cambodian authorities should immediately release all pre-trial detainees across the country who are eligible for bail, as well as prisoners who are most at risk from Covid-19. They should also provide for the early, temporary or conditional release of prisoners convicted of misdemeanors or non-violent offences. The authorities should at all times ensure that each prison's population is kept below its maximum official capacity to slow the spread of Covid-19, a condition that is not currently met by the vast majority of Cambodian prisons.

Thousands of people in Cambodia are also arbitrarily detained without charge in so-called drug "rehabilitation" centres and "social affairs" centres. Conditions and overcrowding in these centers are often even worse than within prisons. The authorities should immediately release all individuals held without an adequate legal basis, including people arbitrarily detained in drug detention centers.

According to the latest figures [available](#), Cambodia currently has a prison population of approximately 39,000 and the country's prisons have an average occupancy above 300% of capacity. A disproportionately high 35% of all prisoners are being held in pre-trial detention. Our organizations have consistently called on the Cambodian authorities to address the widespread [human rights abuses](#) which prevail in Cambodian prisons and detention centers.

Nuth Savna, the spokesperson for the General Department of Prisons, [stated](#) on May 9 that the authorities planned to test all prisoners in the country. On May 13, he [revealed](#) plans to vaccinate all prisoners and stated that more than 10,000 detainees had already been vaccinated. The authorities should continue to prioritise prisoners in national vaccination plans given the elevated risk they face. The authorities should implement a voluntary vaccine rollout based on informed consent across all prisons and detention centres, in compliance with international human rights law and standards.

The Cambodian government's persistent failure to address severe overcrowding in prisons and other places of detention has resulted in widespread human rights abuses of prisoners and detainees and threatens to fundamentally undermine Cambodia's efforts to curb the spread of Covid-19.

Amnesty International and Human Rights Watch urge the Cambodian authorities to decisively address the human rights crisis in the country's prisons. We call for immediate action from the Cambodian government, in particular to:

- Urgently reduce the population of all prisons to below their maximum official capacities by undertaking the following measures in line with Covid-19 safety precautions as indicated in WHO's Guidance on "[Preparedness, prevention and control of COVID-19 in prisons and other places of detention](#)":
 - o Advance the early, temporary or conditional release of prisoners convicted of misdemeanours or non-violent offences, prisoners nearing the end of their sentences, and prisoners in at-risk groups, including older prisoners, prisoners with underlying medical conditions, pregnant women, women incarcerated with their children, and child prisoners;
 - o Grant bail to all non-violent pre-trial detainees who are eligible, and where no other prevailing factors weigh against their release;

- o Release all persons held without a sufficient legal basis, including all those arbitrarily detained in compulsory drug detention centres or on politically motivated grounds;
- Ensure that all courts prioritize non-custodial alternatives to detention wherever possible at the pre-trial stage;
- Ensure that all persons deprived of their liberty have equitable access to regular testing, treatment and vaccines for Covid-19;
- Ensure that all persons deprived of their liberty have access to adequate medical treatment;
- Ensure that all people who live or work in Cambodian prisons and other places of detention are supplied with free and effective personal protective equipment and are included in vaccination plans, using objective criteria based on vulnerability to infection; and
- Implement effective hygiene and physical distancing measures in all places of detention, including the provision of soap, personal protective equipment, sanitizer, and masks to all prisoners and staff.